



# Federal Register

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**Monday,  
June 28, 2004**

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**Part IX**

**Department of  
Homeland Security**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF HOMELAND SECURITY (DHS)

## DEPARTMENT OF HOMELAND SECURITY

## Office of the Secretary

## 6 CFR Chs. I and II

DHS Docket No. OGC-RP-03-001]

## Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

**SUMMARY:** This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866, "Regulatory Planning and Review" (September 30, 1993), which require the publication of a semiannual agenda of regulations by the Department of Homeland Security (Department or DHS). The regulatory agenda is a semiannual summary of all current and projected rulemakings, and completed actions of the Department. DHS has attempted to list all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently missed. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

Under the Homeland Security Act of 2002, Public Law 107-295 (Homeland

Security Act), 22 pre-existing agencies or components transferred to DHS. Although DHS is new, many of its components had active regulatory agendas, such as the legacy Immigration and Nationalization Service (INS), which has been divided into the Bureau of Citizenship and Immigration Services, the Bureau of Immigration and Customs Enforcement, and the Bureau of Customs and Border Protection. Together, the latter components alone comprise half of the DHS regulatory agenda. The legacy INS rulemakings primarily set forth application or other process standards for obtaining benefits, privileges, or other attributes afforded to visa or citizen holders. Other DHS components, such as the U.S. Coast Guard and Transportation Security Administration, have regulatory functions rooted in promulgating safety or security standards. The new Department, considered the most significant transformation of the U.S. Government in over a half-century, continues to transform and realign the current confusing patchwork of Government activities into a single department. Its' greatest regulatory challenge is melding the variant regulatory practices into one centralized regulatory agency embracing the "best practices" of each of its components.

The DHS agenda provides the public with information about the Department's regulatory practices. It is expected that this information will

enable the public to more effectively participate in the Department's regulatory activities. The public is also invited to submit comments on any aspect of this agenda.

## FOR FURTHER INFORMATION CONTACT:

*General -*

You should direct all comments and inquiries on the agenda in general to Laticia Argenti, Deputy Associate General Counsel for Regulations, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528.

*Specific -*

You should direct all comments and inquiries on the particular items in the agenda to the individual listed for the regulation or the general rulemaking contact person for the DHS components. You may also submit comments and data by sending electronic mail to [www.regulations.gov](http://www.regulations.gov), the Governmentwide Web site for submission of comments on proposed regulations.

**SUPPLEMENTARY INFORMATION:** The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: May 28, 2004.

Laticia Argenti,  
Deputy Associate General Counsel for Regulations.

## Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1057	National Environmental Policy Act Procedures .....	1601-AA13
1058	Supplemental Standards of Conduct for Employees of the Department of Homeland Security .....	1601-AA17
1059	Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations .....	1601-AA18

## Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1060	Freedom of Information Act and Privacy Act Procedures .....	1601-AA00
1061	Production or Disclosure of Official Information in Connection With Legal Proceedings .....	1601-AA01
1062	Classified National Security Information .....	1601-AA02
1063	Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities .....	1601-AA03
1064	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance .....	1601-AA04
1065	Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance .....	1601-AA05

## DHS

## Bureau of Citizenship and Immigration Services—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
1176	Validity Period of Approved Form I-600A, Application for Advanced Processing of Orphan Petition .....	1615-AA87
1177	Certain Benefits Available to Aliens Under the Provisions of the Child Status Protection Act .....	1615-AA93
1178	Procedures for Checking Juvenile Criminal Records and Submitting Fingerprints of That Additional Class of Aliens Ineligible for Family Unity .....	1615-AB01
1179	Implementation of the Border Commuter Student Act of 2002 .....	1615-AB11

## U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1180	Claims Procedures Under the Oil Pollution Act of 1990 (CGD 91-035) .....	1625-AA03
1181	Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978 (CGD 95-062) .....	1625-AA16
1182	Marine Events: Permit Procedures (USCG-2001-10713) .....	1625-AA35
1183	Rates for Pilotage on the Great Lakes (USCG-2002-11288) .....	1625-AA38
1184	Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft or Being Towed Behind Recreational Vessels (USCG-2002-11421) .....	1625-AA40
1185	Traffic Separation Schemes: In the Strait of Juan De Fuca and Its Approaches; In Puget Sound and Its Approaches; In Haro Strait, Boundary Pass, and in the Strait of Georgia (USCG-2002-12702) .....	1625-AA48
1186	Administrative Changes To Numbering of Vessels and Reporting of Casualties (USCG-2003-14963) .....	1625-AA70
1187	Commercial Fishing Industry Vessels (USCG-2003-16158) .....	1625-AA77
1188	Review and Update of Standards for Marine Equipment (USCG-2003-16630) .....	1625-AA83

## U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1189	Reporting Marine Casualties (USCG-2000-6927) .....	1625-AA04
1190	Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623) .....	1625-AA17
1191	Deepwater Ports (USCG-1998-3884) .....	1625-AA20
1192	Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, Alaska (CGD17-99-002) .....	1625-AA23
1193	Training and Qualifications for Personnel on Passenger Ships (USCG 1999-5610) .....	1625-AA24
1194	Post Casualty Drug and Alcohol Testing (USCG-2001-8773) .....	1625-AA27
1195	Drawbridge Operations Regulations; Revisions (USCG-2001-10881) .....	1625-AA36
1196	Penalties for Nonsubmission of Ballast Water Management Reports (USCG-2002-13147) .....	1625-AA51
1197	Mandatory Ballast Water Management Program for U.S. Waters (USCG-2003-14273) .....	1625-AA52
1198	Country of Origin Codes and Revision of Regulations on Hull Identification Numbers (USCG-2003-14272) .....	1625-AA53
1199	Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels (USCG-2000-6858) .....	1625-AA57
1200	Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472) .....	1625-AA59
1201	Fire-Suppression Systems and Voyage Planning for Towing Vessels (USCG 2000-6931) .....	1625-AA60
1202	Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels (USCG-2000-8589) .....	1625-AA62
1203	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade; Second Rulemaking (USCG-2003-14472) .....	1625-AA63
1204	Terms Imposed by States on Numbering of Vessels (USCG-2003-15708) .....	1625-AA75
1205	Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs) (USCG-2003-14500) .....	1625-AA81
1206	Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2003-16688) .....	1625-AA82
1207	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico (CGD 08-04-004) .....	1625-AA84
1208	Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (USCG-2004-17455) .....	1625-AA85
1209	Unauthorized Entry Into Cuban Territorial Waters (USCG-2004-17509) .....	1625-AA86

## DHS

## U.S. Coast Guard—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1210	Safety Zone Regulations .....	1625-AA00
1211	Special Anchorage Areas/Anchorage Grounds Regulations .....	1625-AA01
1212	Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068) .....	1625-AA02
1213	Escort Vessels for Certain Tankers (CGD 91-202) .....	1625-AA05
1214	State Access to the Oil Spill Liability Trust Fund (CGD 92-014) .....	1625-AA06
1215	Regatta and Marine Parade Regulations .....	1625-AA08
1216	Drawbridge Regulations .....	1625-AA09
1217	Escort Vessels in Certain U.S. Waters (CGD 91-202a) .....	1625-AA10
1218	Regulated Navigation Areas .....	1625-AA11
1219	Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705) .....	1625-AA12
1220	Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354) .....	1625-AA13
1221	Numbering of Undocumented Barges (USCG-1998-3798) .....	1625-AA14
1222	Outer Continental Shelf Activities (USCG-1998-3868) .....	1625-AA18
1223	Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417) .....	1625-AA19
1224	Commercial Diving Operations (USCG-1998-3786) .....	1625-AA21
1225	Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501) .....	1625-AA22
1226	Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080) .....	1625-AA25
1227	Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661) .....	1625-AA26
1228	Electronic Chart Display and Information System (ECDIS) (USCG-2001-8826) .....	1625-AA29
1229	Federal Requirements for Propeller Injury Avoidance Measures (USCG 2001-10163) .....	1625-AA31
1230	Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486) .....	1625-AA32
1231	Alternate Tonnage Convention: Small Passenger Vessels .....	1625-AA37
1232	Notifications of Arrival and Departure in Ports or Places in the United States (USCG-2001-11865) .....	1625-AA41
1233	Protection for Whistleblowers in the Coast Guard (USCG-2002-13016) .....	1625-AA50
1234	Vessel Traffic Service Lower Mississippi River (USCG-1998-4399) .....	1625-AA58
1235	Escort Vessels for Certain Tankers—Crash Stop Criteria (USCG-2003-14734) .....	1625-AA65
1236	Security Zone Regulations .....	1625-AA87

## U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1237	Handling of Explosives or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities (USCG-1998-4302) .....	1625-AA07
1238	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade (USCG-2001-8825) .....	1625-AA28
1239	Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys (USCG-2001-10714) .....	1625-AA34
1240	Identification Credentials for Maritime Security .....	1625-AA47
1241	Allowing Alternatives to Incandescent Lights, and Establishing Standards for New Lights, in Private Aids to Navigation (USCG-2000-7466) .....	1625-AA55
1242	Approval for Experimental Shipboard Installations of Ballast Water Treatment Systems (USCG-2001-9267) .....	1625-AA66
1243	Civil Monetary Penalties—Adjustments for Inflation (USCG-2003-15486) .....	1625-AA73
1244	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico (CDG08-03-028) .....	1625-AA76
1245	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico for Mississippi Canyon 474 (CGD08-03-039) .....	1625-AA78
1246	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico for Garden Banks 783 (CGD08-03-040) .....	1625-AA79
1247	Chemical Testing; Management Information System (USCG-2003-16414) .....	1625-AA80

## Bureau of Customs and Border Protection—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1248	Documentary Requirements for Returning Residents .....	1651-AA09
1249	Imposition of Fines for Violations of the Immigration and Nationality Act .....	1651-AA12

**Department of Homeland Security (DHS)**  
**U.S. Coast Guard (USCG)**
**Proposed Rule Stage**
**1180. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (CGD 91-035)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 2713; 33 USC 2714**CFR Citation:** 33 CFR 136**Legal Deadline:** None

**Abstract:** This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. The interim rule provides the requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2712(a)(4). Release of the more comprehensive notice of proposed rulemaking has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36314
Correction	09/09/92	57 FR 41104
Interim Final Rule	12/10/92	
Comment Period End		
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** Transferred from RIN 2115-AD90

**Agency Contact:** Carolyn R. Boltin, Project Manager, National Pollution Fund Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Arlington, VA 22203

Phone: 202 493-6864

RIN: 1625-AA03

**1181. IMPLEMENTATION OF THE 1995 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING (STCW) FOR SEAFARERS, 1978 (CGD 95-062)**
**Priority:** Other Significant**Legal Authority:** 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7107**CFR Citation:** 46 CFR 10; 46 CFR 12; 46 CFR 15**Legal Deadline:** None

**Abstract:** The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978, in 1995. The amendments came into force on February 1, 1997. This project implements them by revising current rules to ensure that the United States complies with their requirements on: the training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. This project supports the Coast Guard's strategic goal of maritime safety. It also supports the goal of our directorate for Marine Safety and Environmental Protection for reducing deaths and injuries of crewmembers on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. It is significant because of the potential impact on industry and the potential effect on international interests.

**Timetable:**

Action	Date	FR Cite
Notice of Meeting	08/02/95	60 FR 39306
Comment Period End	09/29/95	
Notice of Inquiry	11/13/95	60 FR 56970
Comment Period End	01/12/96	
NPRM	03/26/96	61 FR 13284
Notice of Public Meetings	04/08/96	61 FR 15438
Comment Period End	07/24/96	
Notice of Intent	02/04/97	62 FR 5197
Interim Rule	06/26/97	62 FR 34505
Interim Rule Effective	07/28/97	
Supplemental NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No
**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Old Docket Number CGD 95-062.

Transferred from RIN 2115-AF26

**Agency Contact:** Mark Gould, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-6890

RIN: 1625-AA16

**1182. MARINE EVENTS: PERMIT PROCEDURES (USCG-2001-10713)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1233**CFR Citation:** 33 CFR 100**Legal Deadline:** None

**Abstract:** This rule would revise Coast Guard procedures to expedite approval of organized marine events conducted on the navigable waters of the United States. These new procedures would establish general permits with nationwide or regional applicability and would encourage sponsors to submit information to the Coast Guard by electronic means. These new procedures would reduce the paperwork burden on both the public and the Coast Guard without adversely affecting vessel safety or the environment in the event areas. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG26

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

## DHS—USCG

## Proposed Rule Stage

Phone: 202 267-0979

RIN: 1625-AA35

**1183. RATES FOR PILOTAGE ON THE GREAT LAKES (USCG-2002-11288)****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 46 USC 9303(f)**CFR Citation:** 46 CFR 401**Legal Deadline:** None

**Abstract:** The Coast Guard conducts an annual review of the Great Lakes Pilotage based on the "Ratemaking Analyses and Methodology" published in the Federal Register on May 9, 1996. Depending on the results of this review, the Coast Guard can make rate adjustments in accordance with 46 CFR part 404, appendix A, step 7; or, if the director determines that pilotage rates are within a reasonable range of their target, make no adjustments. This rulemaking may take place annually. It supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/03	68 FR 3202
NPRM Comment Period Extended	02/14/03	68 FR 7489
NPRM Comment Period Extended	04/01/03	68 FR 15697
NPRM Correction	04/01/03	
Public Meeting (04/14)	04/01/03	
NPRM Comment Period End	05/01/03	
Interim Rule	12/12/03	68 FR 69564
Interim Rule Comment Period End	02/10/04	
Supplemental NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG30

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Paul Wasserman, Project Manager, G-MW-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593  
Phone: 202 267-2856

RIN: 1625-AA38

**1184. WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT OR BEING TOWED BEHIND RECREATIONAL VESSELS (USCG-2002-11421)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175**Legal Deadline:** None

**Abstract:** This rule would require every person to wear a personal flotation device (PFD)—also called a lifejacket—while operating or riding on personal watercraft (PWC) or being towed behind a recreational vessel. On waters subject to the jurisdiction of the United States within any State or territory, the rule would not preempt any requirement established for such persons as specified by that State. The rule would set a Federal requirement on waters subject to the jurisdiction of the United States within any State or territory. The new requirement would reduce the number of persons who drown while participating in these activities. This project supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG32

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0979

RIN: 1625-AA40

**1185. TRAFFIC SEPARATION SCHEMES: IN THE STRAIT OF JUAN DE FUCA AND ITS APPROACHES; IN PUGET SOUND AND ITS APPROACHES; IN HARO STRAIT, BOUNDARY PASS, AND IN THE STRAIT OF GEORGIA (USCG-2002-12702)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223**CFR Citation:** 33 CFR 167**Legal Deadline:** None

**Abstract:** This rulemaking will propose amendments to the existing traffic separation schemes (TSS): in the Strait of Juan de Fuca and its approaches; in Puget Sound and its approaches; in Haro Strait, Boundary Pass, and in the Strait of Georgia. These amendments are approved by the International Maritime Organization and have been validated by several recent vessel routing studies. With the amendments in place, commercial vessels would be routed farther offshore when entering or departing the TSS, providing an extra margin of safety and environmental protection in the Olympic Coast National Marine Sanctuary and adjacent waters. This rulemaking will incorporate the modified TSS into the Code of Federal Regulations. This project supports the Coast Guard's strategic goals of safety and protecting the marine environment.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/02	67 FR 54981
NPRM Comment Period End	10/28/02	
Supplemental NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Based on comments received in response to the notice of proposed rulemaking (NPRM), the agency has decided to develop and publish a supplemental NPRM.

Transferred from RIN 2115-AG45

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** George Detweiler, Project Manager G-MWV, Department of Homeland Security, U.S. Coast

## DHS—USCG

## Proposed Rule Stage

Guard, 2100 Second Street SW.,  
Washington, DC 20593-0001  
Phone: 202 267-0574

RIN: 1625-AA48

**1186. ADMINISTRATIVE CHANGES TO  
NUMBERING OF VESSELS AND  
REPORTING OF CASUALTIES  
(USCG-2003-14963)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 9701; 46 USC 2110; 46 USC 4302; 46 USC 4310; 46 USC 6101; 46 USC 6102; 46 USC 12301; 46 USC 12302; 46 USC 12502; PL 100-710; DHS Security Delegation No. 0170.1

**CFR Citation:** 33 CFR 173; 33 CFR 174; 33 CFR 181

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Coast Guard's rules on States' numbering of undocumented vessels and on the reporting of accidents. It would harmonize terminology governing the Standard Numbering System, the Vessel Identification System, and the Casualty or Accident Report to help us collect better data, process them more efficiently, and use them more effectively to prevent boating accidents. This project supports the Coast Guard's strategic goals of maritime safety and maritime security.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jeanne Timmons,  
Project Manager, G-OPB-1, Department  
of Homeland Security, U.S. Coast  
Guard, 2100 Second Street SW.,  
Washington, DC 205930001  
Phone: 202 267-0857

RIN: 1625-AA70

**1187. COMMERCIAL FISHING  
INDUSTRY VESSELS  
(USCG-2003-16158)**

**Priority:** Other Significant. Major status  
under 5 USC 801 is undetermined.

**Legal Authority:** 46 USC 4502 (a), (d)

**CFR Citation:** 46 CFR 28

**Legal Deadline:** None

**Abstract:** This rulemaking would add new and clarify existing rules for commercial fishing vessels in 46 CFR part 28. It would also establish rules on stability and watertight integrity for fishing vessels under 79 feet in length and institute regulations for the carriage of immersion suits in seasonally cold waters. To improve crew preparedness in case of an emergency, this project would also add requirements such as mandatory logging of already required drills, providing evidence of training, and ensuring that personnel required to be trained are current in their training. The project would amend 46 CFR part 28 to clarify and improve the consistency of the regulatory language so to aid in vessels compliance with the existing rules. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Government Levels Affected:** Federal,  
Tribal

**Agency Contact:** LT Kenneth Vazquez,  
Project Manager, G-MOC-3,  
Department of Homeland Security, U.S.  
Coast Guard, 2100 Second Street SW.,  
Washington, DC 20593  
Phone: 202 267-0478

RIN: 1625-AA77

**1188. • REVIEW AND UPDATE OF  
STANDARDS FOR MARINE  
EQUIPMENT (USCG-2003-16630)**

**Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.

**Legal Authority:** 46 USC 3306; 46 USC 4102; 46 USC 4302

**CFR Citation:** 46 CFR 32; 46 CFR 50;  
46 CFR 52; 46 CFR 54; 46 CFR 56; 46  
CFR 58; 46 CFR 62; 46 CFR 63; 46 CFR  
110 to 113; 46 CFR 182

**Legal Deadline:** None

**Abstract:** This project would incorporate national and international standards for certain marine equipment and marine electrical equipment into title 46 of the Code of Federal Regulations (CFR). These standards would replace long-outdated ones, or update standards that were superseded fairly recently. The Coast Guard has actively participated in the development of national and international standards of safety for marine equipment through the International Maritime Organization, the International Organization for Standardization, and the American Society for Testing and Materials, as well as through other standards-setting bodies under the American National Standards Institute. We would incorporate these standards into the appropriate parts of title 46.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Thane Gilman,  
Project Manager, G-MSE, Department  
of Homeland Security, U.S. Coast  
Guard, 2100 Second Street SW.,  
Washington, DC 20593  
Phone: 202 267-6048  
Email: tgilman@comdt.uscg.mil

RIN: 1625-AA83

**Department of Homeland Security (DHS)**  
**U.S. Coast Guard (USCG)**

Final Rule Stage

**1189. REPORTING MARINE CASUALTIES (USCG-2000-6927)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 6101; 33 USC 1901 et seq**CFR Citation:** 33 CFR 151; 46 CFR 4**Legal Deadline:** None

**Abstract:** This action would add to the definition of a reportable marine casualty, "significant harm to the environment." Some casualty reporting requirements are extended to include foreign tank vessels operating in U.S. waters, including the Exclusive Economic Zone. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the consequence of pollution incidents and further supports the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Request for Comments	12/20/94	59 FR 65522
Comment Period End	02/20/95	
NPRM	11/02/00	65 FR 65808
Supplemental NPRM	07/12/01	66 FR 36530
Supplemental NPRM Comment Period End	09/10/01	
Final Rule	07/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AD98**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** LCDR Charles Barbee, Project Manager, G-MOA-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-1418

**RIN:** 1625-AA04
**1190. LIMITED SERVICE DOMESTIC VOYAGE LOAD LINES FOR RIVER BARGES ON LAKE MICHIGAN (USCG-1998-4623)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 51**CFR Citation:** 46 CFR 45**Legal Deadline:** None

**Abstract:** This regulatory project will allow certain unmanned dry cargo river barges operating on Lake Michigan to be exempted from the normal Great Lakes load line requirements. Instead, they may qualify for a conditional load line exemption, or for a limited service domestic voyage load line (depending on which Lake Michigan route). This rulemaking pertains to two specific routes: Chicago to Milwaukee, and Chicago to Muskegon. This will allow certain non-hazardous cargoes originating at inland river ports to be transported as far as Milwaukee and Muskegon by river barge, thereby benefiting from the relatively low cost per ton-mile of river barge transportation. Compliance is not mandatory other than for those river barge operators who voluntarily seek to expand their operations onto these routes. This rulemaking supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58679
NPRM Comment Period Extended	12/28/98	63 FR 71411
Comment Period End	01/04/99	
NPRM Comment Period End	03/04/99	
Interim Final Rule	04/23/02	67 FR 19685
Interim Final Rule Effective	05/23/02	
Collection of Information Sections Effective	06/20/02	
Interim Final Rule—Announcement of Effective Date of COI Sections	06/20/02	67 FR 41847
Interim Final Rule Comment Period End	10/23/02	
Final Rule	09/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** Old Docket Number CGD 95-015.

Transferred from RIN 2115-AF38

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Thomas Jordan, Project Manager, G-MSE-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-2988

**RIN:** 1625-AA17
**1191. DEEPWATER PORTS (USCG-1998-3884)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1504**CFR Citation:** 33 CFR 148 to 150**Legal Deadline:** None

**Abstract:** This rulemaking project revises regulations adopted in 1975 to implement the Deepwater Port Act of 1974. It updates and streamlines those regulations in accordance with the 1996 Deepwater Port Modernization Act. It also extends the deepwater port regulations to the natural gas deepwater ports authorized by Congress in the Maritime Transportation Security Act of 2002. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/29/97	62 FR 45774
ANPRM Comment Period End	10/13/97	
NPRM	05/30/02	67 FR 37920
NPRM Comment Period End	07/29/02	
NPRM Comment Period Reopened	08/19/02	67 FR 53764
Second NPRM Comment Period End	09/18/02	
Temporary Interim Rule	01/06/04	69 FR 724
Temporary Interim Rule Comment Period End	07/05/04	
Final Rule	10/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined

**Additional Information:** An advance notice of proposed rulemaking was published under Docket Number USCG-1998-4441. That docket number is replaced with USCG-1998-3884.

Transferred from RIN 2115-AF63

**URL For More Information:**



## DHS—USCG

## Final Rule Stage

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mark Prescott, Project Manager, G—MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0225

RIN: 1625-AA20

**1192. ANCHORAGE GROUND; SAFETY ZONE; SPEED LIMIT; TONGASS NARROWS AND KETCHIKAN, ALASKA (CGD17-99-002)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 471; 33 USC 1231; 33 USC 2071**CFR Citation:** 33 CFR 162; 33 CFR 165; 33 CFR 110**Legal Deadline:** None

**Abstract:** This rulemaking would grant an exemption from the present 7-knot speed limit in Tongass Narrows, Alaska, for float plane take-off and landing and vessels 23 feet in length or less. The geographic area for the speed limit would be expanded. A safety zone used for cruise ship anchorages would be redesignated as an anchorage area to reflect actual usage of the area and transiting vessels would be required to move quickly and directly through the anchorage, without rapid course changes, to increase safety. This project supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
NPRM	03/25/99	64 FR 14414
NPRM Comment Period End	05/10/99	
Interim Final Rule	06/02/99	64 FR 29554
Interim Final Rule Comment Period End	11/30/99	
Interim Final Rule	04/07/00	65 FR 18242
Interim Final Rule Comment Period End	10/31/00	
Notice to Reopen Comment Period	10/21/03	68 FR 60034
Comment Period End	12/22/03	
Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AF81

**Agency Contact:** LT Tyrone Jones, MSO, Juneau, Alaska, Department of Homeland Security, U.S. Coast Guard, 2760 Sherwood Lane, Suite 2A, Juneau, AK 99801  
Phone: 907 463-2470

RIN: 1625-AA23

**1193. TRAINING AND QUALIFICATIONS FOR PERSONNEL ON PASSENGER SHIPS (USCG 1999-5610)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2103; 46 USC ch 71; 46 USC ch 73**CFR Citation:** 46 CFR 12; 46 CFR 15; 46 CFR 10**Legal Deadline:** None

**Abstract:** This project will implement new amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978 that impose requirements for training and qualifications of masters, officers, engineers, and "ratings." The following training courses are mandatory for the personnel on passenger ships other than roll-on, roll-off, carrying more than 12 passengers operating on international voyages: (1) Crisis Management and Human Behavior; (2) Crowd Management; (3) Special Safety; (4) Passenger Safety, with special attention given to disabled persons and others needing assistance; and (5) Special Familiarization. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/00	65 FR 37507
NPRM Comment Period End	09/13/00	
Interim Rule	10/30/02	67 FR 66063
Interim Rule Comment Period End	12/30/02	
Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AF83

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mark Gould, Project Manager, G—MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6890

RIN: 1625-AA24

**1194. POST CASUALTY DRUG AND ALCOHOL TESTING (USCG-2001-8773)**

**Priority:** Other Significant**Legal Authority:** PL 105-383, sec 304**CFR Citation:** 46 CFR 4**Legal Deadline:** None

**Abstract:** This project will revise the requirements for chemical testing following a serious marine incident. The revision will establish procedures to ensure that alcohol testing be conducted within two hours of a serious marine incident, as required by the Coast Guard Authorization Act of 1998. The rule will also make additional minor procedural changes to the part. This rule supports the Coast Guard strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/03	68 FR 9622
NPRM Comment Period End	06/30/03	
Notice of Public Meeting; Reopening of Comment Period	08/25/03	68 FR 50992
NPRM; Reopening of Comment Period	10/21/03	68 FR 60073
Comment Period End	11/20/03	
Final Rule	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local, State

**Additional Information:** Transferred from RIN 2115-AG07

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert C. Schoening, Project Manager, G—MOA-1, Department of Homeland Security, U.S.

## DHS—USCG

## Final Rule Stage

Coast Guard, 2100 Second Street SW.,  
Room 2406, 2100 Second Street SW.,  
Washington, DC 20593-0001  
Phone: 202 267-0684  
Email: rschoening@comdt.uscg.mil  
**RIN:** 1625-AA27

# 1195. DRAWBRIDGE OPERATIONS REGULATIONS; REVISIONS (USCG-2001-10881)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 499

**CFR Citation:** 33 CFR 117

**Legal Deadline:** None

**Abstract:** The Coast Guard is proposing changes to its drawbridge regulations that provide guidance for general requirements relating to the use and operation of drawbridges. This project will create a new deviation for short-term closures, provide Coast Guard Eighth District Bridges Administration St. Louis, MO, with a general bridge closure requirement during the winter season when navigation is reduced, and eliminate any unnecessary distinction between commercial and recreational vessels in subpart B. It will also make changes throughout part 117 to remove redundancies, make amendments and technical corrections, and remove special bridge regulations that are no longer functional. Corrections and clarification of these requirements will help to streamline the drawbridge regulatory process and should shorten and simplify part 117 for the reader. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

## Timetable:

Action	Date	FR Cite
NPRM	04/17/03	68 FR 18922
NPRM Comment Period End	06/02/03	
Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG27

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** J. Christopher Jaufmann, Project Manager (G-OPT-1), Department of Homeland Security, U.S.

Coast Guard, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0377  
**RIN:** 1625-AA36

# 1196. PENALTIES FOR NONSUBMISSION OF BALLAST WATER MANAGEMENT REPORTS (USCG-2002-13147)

**Priority:** Other Significant

**Legal Authority:** 16 USC 4711

**CFR Citation:** 33 CFR 151

**Legal Deadline:** None

**Abstract:** This rulemaking would set penalties for vessels that fail to submit ballast water management reports, as required in subpart D of 33 CFR 151. It supports the Coast Guard's strategic goals of protection of natural resources.

## Timetable:

Action	Date	FR Cite
NPRM	01/06/03	68 FR 523
NPRM Comment Period End	04/07/03	
Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG50

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Bivan Patnaik, Project Manager, G-MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-1744

**RIN:** 1625-AA51

# 1197. MANDATORY BALLAST WATER MANAGEMENT PROGRAM FOR U.S. WATERS (USCG-2003-14273)

**Priority:** Other Significant

**Legal Authority:** 16 USC 4711

**CFR Citation:** 33 CFR 151

**Legal Deadline:** None

**Abstract:** This rulemaking would make ballast water management requirements applicable to all vessels equipped with ballast water tanks entering a port or

place in the United States. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

## Timetable:

Action	Date	FR Cite
NPRM	07/30/03	68 FR 44691
NPRM Comment Period End	10/28/03	
Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG52

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Bivan Patnaik, Project Manager, G-MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-1744  
**RIN:** 1625-AA52

# 1198. COUNTRY OF ORIGIN CODES AND REVISION OF REGULATIONS ON HULL IDENTIFICATION NUMBERS (USCG-2003-14272)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 4302

**CFR Citation:** 33 CFR 181.27

**Legal Deadline:** None

**Abstract:** By modifying a restriction on U.S. boat manufacturers when they label a boat with a hull identification number (HIN), this proposed rule would make it less expensive for the manufacturers to comply with an international HIN standard for boats they would like to export and thus this rulemaking would support the Coast Guard's strategic goal of maritime mobility.

## Timetable:

Action	Date	FR Cite
NPRM	06/20/03	68 FR 36957
NPRM Comment Period End	09/18/03	
Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## DHS—USCG

## Final Rule Stage

**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG53**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Alston Colihan,  
Project Manager, G-OPB-3, Department  
of Homeland Security, U.S. Coast  
Guard, 2100 Second Street SW.,  
Washington, DC 20593-0001  
Phone: 202 267-0981**RIN:** 1625-AA53**1199. ALTERNATE HULL  
EXAMINATION PROGRAM FOR  
CERTAIN PASSENGER VESSELS,  
AND UNDERWATER SURVEYS FOR  
PASSENGER, NAUTICAL SCHOOL,  
AND SAILING SCHOOL VESSELS  
(USCG-2000-6858)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3305; 46 USC  
3308**CFR Citation:** 46 CFR 71; 46 CFR 115;  
46 CFR 167; 46 CFR 169; 46 CFR 176**Legal Deadline:** None**Abstract:** This regulatory project will  
establish hull examination alternatives  
and a drydock extension policy for  
qualifying passenger vessels that  
operate exclusively on benign, low-risk  
environments, and that have limited  
time under way. In addition, the  
proposed regulations would provide the  
option of alternating drydock  
examinations with underwater surveys  
for passenger vessels. This project  
supports the Coast Guard's strategic  
Marine Safety, Security and  
Environmental Protection Program's  
goal of mobility by facilitating  
commerce and eliminating  
interruptions and impediments to the  
economical movement of goods and  
people.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/29/02	67 FR 21062
Interim Final Rule Effective	06/28/02	
Interim Final Rule Comment Period End	07/29/02	
Collection of Information Interim Rule Sections Effective	08/28/02	

Action	Date	FR Cite
Interim Final Rule; Announcement of Effective Date	08/28/02	67 FR 55162
Interim Rule; Announcement of Effective Date; Correction	10/18/02	67 FR 64315
Final Rule	12/00/04	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** This project is  
split from RIN 2115-AF73. The split  
was a result of comments received  
under the notice of proposed  
rulemaking that was published under  
RIN 2115-AF73, November 15, 1999, 64  
FR 62018, entitled Frequency of  
Inspection Alternate Hull Exam  
Program for Certain Passenger Vessels,  
and Underwater Surveys for Passenger,  
Nautical School, and Sailing School  
Vessels.

Transferred from RIN 2115-AF95

**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** LCDR Martin Walker,  
Project Manager, G-MOC, Department  
of Homeland Security, U.S. Coast  
Guard, 2100 Second Street SW.,  
Washington, DC 20593-0001  
Phone: 202 267-1047**RIN:** 1625-AA57**1200. RULES OF PRACTICE,  
PROCEDURE, AND EVIDENCE FOR  
ADMINISTRATIVE PROCEEDINGS OF  
THE COAST GUARD (USCG  
1998-3472)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 7701; 46 USC  
7702; 33 USC 1321; 42 USC 9609**CFR Citation:** 33 CFR 20; 46 CFR 5**Legal Deadline:** None**Abstract:** The Coast Guard maintains  
two separate sets of procedural rules:  
the administrative adjudication rules  
against merchant mariners' licenses,  
certificates of registry, and documents;  
and those for the adjudication of class  
II civil penalties. The rules for  
suspension and revocation, contained  
in part 5 of title 46 of the Code of  
Federal Regulations (CFR), date from1948, and are based on criminal  
procedure. The rules for class II civil  
penalties, contained in part 20 of title  
33 of the CFR, date from 1994, and are  
based on the Model Rules of  
Administrative Procedure and on other  
modern rules for civil procedure.  
Neither set implements the authority of  
the Oil Pollution Act of 1990 (OPA 90),  
which provides for the temporary  
suspension of a license, certificate of  
registry, or document for up to 45 days  
without a hearing, in certain  
circumstances, and a hearing within 30  
days of any such suspension. This  
rulemaking would consolidate all  
procedural rules for administrative  
adjudications for class II civil penalties,  
and allow the Coast Guard to  
promulgate regulations implementing  
the OPA 90 authority. This project  
supports the strategic goal of the Coast  
Guard to promote marine safety. We are  
in the process of deciding how to  
respond to comments received.**Timetable:**

Action	Date	FR Cite
NPRM	04/06/98	63 FR 16731
NPRM Comment Period End	05/06/98	
NPRM Comment Period Reopened	05/20/98	63 FR 27700
NPRM Comment Period End	06/19/98	
Interim Final Rule	05/24/99	64 FR 28054
Interim Final Rule Effective	06/23/99	
Interim Final Rule Correction	06/28/99	64 FR 34540
Interim Final Rule Comment Period End	07/23/99	
Interim Final Rule Comment Period Reopened	10/05/99	64 FR 53970
Interim Final Rule Comment Period End	04/03/00	
Final Rule	09/00/04	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This  
rulemaking revises in part the previous  
docket of CGD 94-101, which was  
terminated on December 20, 1995.

Transferred from RIN 2115-AF59

**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov

## DHS—USCG

## Final Rule Stage

**Agency Contact:** George Jordan, Project Manager, G-CJ, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-2940

**RIN:** 1625-AA59

### 1201. FIRE-SUPPRESSION SYSTEMS AND VOYAGE PLANNING FOR TOWING VESSELS (USCG 2000-6931)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 3719; 46 USC 4102

**CFR Citation:** 33 CFR 157; 46 CFR 27

**Legal Deadline:** NPRM, Statutory, October 1, 1997.

**Abstract:** The Coast Guard proposes requirements for (a) total-flooding or other installed systems for suppressing fires on existing towing vessels, and (b) voyage-planning. The purpose of this rulemaking is to reduce oil spills from single-hull, non-self-propelled barges because drifting oil barges have run aground and spilled their cargoes, causing considerable damage to marine life and the environment. This project was developed in cooperation with the Towing Safety Advisory Committee. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

#### Timetable:

Action	Date	FR Cite
NPRM	10/06/97	62 FR 52057
Comment Period End	01/05/98	
Comment Period Reopened	02/27/98	63 FR 9980
Notice of Public Meeting	02/27/98	63 FR 9980
Comment Period End	05/11/98	
Supplemental NPRM	11/08/00	65 FR 66941
Notice of Public Meeting	12/28/00	65 FR 82303
Supplemental NPRM Comment Period End	03/08/01	
Supplemental NPRM; Notice of Mtg. & Second Reopening Comment Period	07/11/01	66 FR 36223
Second Reopened Comment Period End	09/15/01	
Interim Rule	04/29/03	68 FR 22604
Interim Rule Comment Period End	07/28/03	
Interim Rule Effective	08/27/03	
Final Rule	07/00/04	

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

**Additional Information:** This rulemaking was formerly titled "Towing Vessel Safety (Fire Suppression Systems and Other Measures for Towing Vessels)" (CGD 97-064). It originally proposed requirements for three sets of issues relative to the safety of towing vessel safety issues: (1) Fire-suppression systems and other measures; (2) control measures for tank barges; and (3) fire-protection measures for towing vessels. The latter two components have developed into separate rulemakings: Emergency Control Measures for Tank Barges (USCG 1998-4443; RIN 2115-AF65), and Fire Protection Measures for Towing Vessels (USCG 1998-4445; RIN 2115-AF66).

Transferred from RIN 2115-AF53

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Randall Eberly, Project Manager, G-MSE-4, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1861

**RIN:** 1625-AA60

### 1202. WEARING OF PERSONAL FLOTATION DEVICES (PFDs) BY CERTAIN CHILDREN ABOARD RECREATIONAL VESSELS (USCG-2000-8589)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 4302

**CFR Citation:** 33 CFR 175, subpart B

**Legal Deadline:** None

**Abstract:** This rule requires every child under the age of 13 to wear a personal flotation device (PFD)—also called a lifejacket—while aboard a recreational vessel under way and while not below decks or in an enclosed cabin. It adopts, on waters subject to the jurisdiction of the United States within any State, any requirement for the wearing of a PFD established by that State for a child under an age specified by that State. The rule also sets, on waters subject to the jurisdiction of the United States within any State lacking any such requirement, its own,

comparable requirements. This project supports the Coast Guard's strategic goal of maritime safety.

#### Timetable:

Action	Date	FR Cite
NPRM	05/01/01	66 FR 21717
NPRM Comment Period End	08/29/01	
Final Rule	02/27/02	67 FR 8881
Notice of Withdrawal of Final Rule	03/27/02	67 FR 19643
Withdrawal of Final Rule Effective	03/27/02	
Interim Final Rule	06/24/02	67 FR 42488
Interim Final Rule Comment Period End	08/23/02	
Interim Final Rule Effective	12/23/02	
Final Rule	07/00/04	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** After publication of the final rule, the State Boating Law Administrator (BLA) of Ohio raised a concern about possible adverse impacts due to Federal enforcement of PFD-wearing requirements on vessels not subject to State requirements because of vessels' lengths. The Coast Guard withdrew the final rule before its effective date and later published an interim final rule that allowed public comment on a new alternative, which removes the potential differences between Federal and State requirements.

Transferred from RIN 2115-AG04

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0979

**RIN:** 1625-AA62

### 1203. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE; SECOND RULEMAKING (USCG-2003-14472)

**Priority:** Other Significant

**Legal Authority:** 14 USC 664; 31 USC 9701; 42 USC 9118; 46 USC 2103; 46

## DHS—USCG

## Final Rule Stage

USC 2107; 46 USC 2110; 46 USC 12106; 46 USC 12120; 46 USC 12122; 46 USC app 876

**CFR Citation:** 46 CFR 67

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to amend its regulations on documentation, under the lease-financing provisions, of vessels engaged in the coastwise trade. This rule's provisions would address several issues. One concerns whether the Coast Guard should prohibit or restrict the chartering back of a lease-financed vessel to the parent of the vessel owner or to an affiliate or subsidiary of the parent. The second concerns the question of whether applications for an endorsement under the lease-financing provisions should be reviewed and approved by an independent third party with expertise in vessel chartering. The third concerns limitations on the grandfather provisions. These proposals would amend the final rule (USCG-2001-8825) on vessel documentation under lease financing. This project supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	02/04/04	69 FR 5403
NPRM Comment Period End	05/04/04	
Final Rule	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG55

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419  
Phone: 304 271-2506

**RIN:** 1625-AA63

**1204. TERMS IMPOSED BY STATES ON NUMBERING OF VESSELS (USCG-2003-15708)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 46 USC 12307

**CFR Citation:** 33 CFR 174, subpart B

**Legal Deadline:** None

**Abstract:** This rulemaking would expand the number of conditions that a State may require in order for owners to obtain vessel numbering certificates in that State. Current Federal statutes and regulations limit these conditions to proof of ownership or payment of State or local taxes. The proposed rule would allow any State to impose proof of liability insurance as a condition for obtaining vessel numbering certificates in that State. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	02/14/04	69 FR 2098
NPRM Comment Period End	04/13/04	
Final Rule	08/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Audrey Pickup, Project Manager, G-OPB-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-0872

**RIN:** 1625-AA75

**1205. • VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S DOCUMENTS (MMDS) (USCG-2003-14500)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 46 USC 21; 46 USC 73; 46 USC 75; 46 USC 77

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking describes enhancements to the application procedures for the "Merchant Mariners Documents" (MMDs) required for ocean going vessels of over 200 gross tons. This includes a background check, fingerprinting for each application, showing up physically at a Regional Exam Center (REC) at least once during each application and furnishing proof of identity before fingerprints are taken.

**Timetable:**

Action	Date	FR Cite
Notice of Meeting	02/20/03	68 FR 8326
Notice of Policy	04/08/03	68 FR 17064
Interim Rule	01/06/04	69 FR 526
Correction to Interim Rule	02/11/04	69 FR 6575
Interim Rule Comment Period End	04/05/04	
Final Rule	10/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Gerald P. Miente, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0221

**RIN:** 1625-AA81

**1206. • NOTIFICATION OF ARRIVAL IN U.S. PORTS; CERTAIN DANGEROUS CARGOES; ELECTRONIC SUBMISSION (USCG-2003-16688)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 33 USC 1223; 33 USC 1231; 46 USC ch 701; DHS Delegation no. 0170.1

**CFR Citation:** 33 CFR 160.204; 33 CFR 160.210

**Legal Deadline:** None

**Abstract:** This regulatory project will revise the definition of Certain Dangerous Cargo (CDC) as listed in 33 CFR 160 subpart C, to include ammonium nitrate and propylene oxide. Furthermore, this project will also provide for optional electronic submission of NOA reports via a web portal. This rulemaking supports the

## DHS—USCG

## Final Rule Stage

Coast Guard Strategic Goals of Maritime Security, Maritime Safety and National Defense.

**Timetable:**

Action	Date	FR Cite
Temporary Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** LTJG Kimberly Andersen, Project Manager, G-MPP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-2562

**RIN:** 1625-AA82

**1207. • SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO (CGD 08-04-004)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 14 USC 85; 43 USC 1333

**CFR Citation:** 33 CFR 147

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish a safety zone around a petroleum and gas production facility located in Green Canyon 608 of the Outer Continental Shelf in the Gulf of Mexico. The facility needs to be protected from vessels operating outside normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified Areas around the facility's location except for the following: an attending vessel; a vessel under 100 feet in length not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property, and the environment, and supports the Coast Guards's strategic

goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	03/15/04	69 FR 12098
NPRM Comment Period End	05/14/04	
Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** LT Kevin Lynn, Project Manager (mwm), Department of Homeland Security, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Buildings, 500 Poydras Street, New Orleans, LA 70130  
Phone: 504 589-6217  
Email: klynn@d8.uscg.mil

**RIN:** 1625-AA84

**1208. • VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S LICENSES AND CERTIFICATES OF REGISTRY (USCG-2004-17455)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 2103; DHS Delegation no. 0170.1, para (92)

**CFR Citation:** 46 CFR 10

**Legal Deadline:** None

**Abstract:** This rule would impose certain security-related requirements in order to obtain a license or certificate of registry. Applicants would be required to appear in person at least once during the application process, to provide two acceptable forms of identification, and be fingerprinted by Coast Guard personnel.

**Timetable:**

Action	Date	FR Cite
Interim Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Gerald P. Miente, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0221

**RIN:** 1625-AA85

**1209. • UNAUTHORIZED ENTRY INTO CUBAN TERRITORIAL WATERS (USCG-2004-17509)**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This rule will require certain U.S. vessels within U.S. territorial waters that enter Cuban territorial waters to apply for and receive a permit from the U.S. Coast Guard. This project supports the Coast Guard's strategic goals of maritime security and maritime safety.

**Timetable:**

Action	Date	FR Cite
Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** LT Brad Kieserman, Office of Law Enforcement (G-OPL), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1890

**RIN:** 1625-AA86

**Department of Homeland Security (DHS)**  
**U.S. Coast Guard (USCG)**
**Long-Term Actions****1210. SAFETY ZONE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1225; 33 USC 1231; 33 USC 1233**CFR Citation:** 33 CFR 165**Legal Deadline:** None

**Abstract:** The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the safety of events, vessels, or individuals. Many of these zones are of short duration, ranging from a few hours to a few days, and all are geographically limited in area. Safety zones, defined in 33 CFR 165.20, are established for events such as fireworks displays, high-speed races, bridge repairs, dredging, or salvage operations, or the transit of dangerous cargoes such as explosives or liquefied petroleum gas. Safety zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine safety, maritime mobility, and protection of natural resources. The total actions expected from May 1, 2004, to April 30, 2005, are 300.

**Timetable:**

Action	Date	FR Cite
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Actions Will Continue Through	04/00/06	
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**Regulatory Flexibility Analysis Required:** No
**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** Routine and frequent rulemakings issued under this RIN will each have an individual docket number.

**Agency Contact:** George Detweiler, Project Manager G-MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0574

**RIN:** 1625-AA00**1211. SPECIAL ANCHORAGE AREAS/ANCHORAGE GROUNDS REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071**CFR Citation:** 33 CFR 110**Legal Deadline:** None

**Abstract:** These routine and frequent regulations are established where maritime and commercial interests require them for safety of navigation. Special anchorage areas are areas in which vessels of not more than 65 feet may anchor without displaying the required lights or sound signals. These special anchorage areas are limited geographically, and depending upon the purpose, establish both long- and short-term anchorages. Anchorage grounds are limited geographically, delineate the types and size of vessel which may use the anchorage, and may place time and other restrictions on its use. Special anchorage areas and anchorage grounds are promulgated by District Commanders in response to requests from appropriate officials. These routine and frequent rulemakings support the Coast Guard's strategic goal of marine safety. The total actions expected from May 1, 2004, to April 30, 2005, are 10.

**Timetable:**

Action	Date	FR Cite
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Actions Will Continue Through	04/00/06	
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**Regulatory Flexibility Analysis Required:** No
**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AA98

**Agency Contact:** Ed LaRue, Project Manager, G-MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-0416  
Email: elarue@comdt.uscg.mil

**RIN:** 1625-AA01**1212. DISCHARGE-REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (CGD 90-068)****Priority:** Other Significant**Legal Authority:** 33 USC 1321**CFR Citation:** 33 CFR 155**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** The Oil Pollution Act of 1990 directed the President by August 18, 1992, to require periodic inspection of

discharge-removal equipment to ensure that it is available in an emergency, and to require carriage of discharge-removal equipment by vessels operating in the navigable waters of the United States and carrying oil or hazardous substances. This action implemented those provisions. This project supports the Coast Guard's strategic goal of protection of natural resources. This project is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM Comment Period End	10/16/91	
NPRM	09/29/92	57 FR 44912
NPRM Comment Period Extended	10/26/92	57 FR 48489
NPRM Comment Period End	10/29/92	
NPRM Comment Period Extended	11/16/92	
Interim Final Rule	12/22/93	58 FR 67988
Interim Final Rule Effective	01/21/94	
Correction	01/26/94	59 FR 3749
Interim Final Rule Comment Period End	02/22/94	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No
**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AD66

**Agency Contact:** David A. DuPont, Project Manager, G-MSR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0971

**RIN:** 1625-AA02**1213. ESCORT VESSELS FOR CERTAIN TANKERS (CGD 91-202)****Priority:** Other Significant**Legal Authority:** PL 101-380, sec 4116(c) (codified as 46 USC 3703 note)**CFR Citation:** 33 CFR 168**Legal Deadline:** None

**Abstract:** This project promulgates 33 CFR part 168 and provides escort requirements for certain single-hull tankers in Prince William Sound and Puget Sound. It supports the Coast Guard's strategic goal of protecting

## DHS—USCG

## Long-Term Actions

natural resources, and is considered significant because of substantial public and State government interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/92	57 FR 30058
NPRM Comment Period End	09/08/92	
NPRM Comment Period Reopened	03/26/93	58 FR 16391
Notice of Public Hearings	04/29/93	58 FR 25959
Correction	05/19/93	58 FR 29157
NPRM Comment Period End	06/24/93	
Notice of Availability – Part 1 of Study	01/10/94	59 FR 1411
Final Rule	08/19/94	59 FR 42962
Final Rule – Suspension of Crash–Stop Provision	11/01/94	59 FR 54519
Final Rule – Partial Suspension Effective	11/17/94	
Final Rule Effective	11/17/94	
Notice of Availability – Part II of Study	02/01/95	60 FR 6345
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This project (RIN 1625-AA05; transferred from RIN 2115-AA10 when Coast Guard transferred from the Department of Transportation to DHS) is related to RIN 1625-AA65 (Escort Vessels for Certain Tankers - Crash Stop Criteria, USCG-2003-14734). RIN 1625-AA05 promulgated 33 CFR part 168, but suspended one provision, 33 CFR 168.50(b)(2), before it ever took effect. Suspension is not a final action. Final action requires the Coast Guard to remove the suspension of 33 CFR 168.50(b)(2) and to determine its final status (either effective as promulgated, amended, or removed). All previous activity for RIN 1625-AA05 took place before the Coast Guard's participation in the Department of Transportation's Docket Management System (DMS). DMS is an electronic docketing system that provides the public with computerized access to Coast Guard rulemaking documents, but it does not support older Coast Guard docket numbers like CGD 91-202 (the Coast Guard docket number equivalent for RIN 1625-AA05). Consequently, the rulemaking docket for RIN 1625-AA05

is available only in paper form and must be viewed at Coast Guard Headquarters (contact the Office of Regulations and Administrative Law, G-LRA, at 202-267-1534). In order to finalize RIN 1625-AA05 in a way that is accessible to the public through DMS, the Coast Guard decided to open RIN 1625-AA65 under a DMS-compatible Coast Guard docket number, USCG-2003-14734, and to treat it as the rulemaking vehicle for resolving the status of 33 CFR 168.50(b)(2). All publications under RIN 1625-AA05 will appear electronically in the DMS docket. In addition, for ease of reference, we will scan relevant paper documents from RIN 1625-AA05 into the electronic DMS docket for RIN 1625-AA65, as supplemental materials.

**ANALYSIS:** Regulatory Evaluation, August 19, 1994, 59 FR 42962.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-0173

**Related RIN:** Related to 1625-AA10, Related to 1625-AA65

**RIN:** 1625-AA05

#### 1214. STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (CGD 92-014)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2712

**CFR Citation:** 33 CFR 133

**Legal Deadline:** NPRM, Statutory, February 18, 1991.

**Abstract:** Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action specifies how the authority to obligate the pollution trust fund for oil spill response and clean-up efforts and to enter into agreements with the States will be exercised. The Coast Guard is evaluating the performance of the interim rule. This rulemaking supports the Coast Guard's strategic goal of the protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Interim Rule	11/13/92	57 FR 53968

Action	Date	FR Cite
Interim Final Rule Comment Period End	02/11/93	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The rulemaking priority was downgraded from Other Significant to Substantive, Nonsignificant in the November 14, 1994, agenda. However, due to administrative error, the document erroneously reflected Other Significant in subsequent agenda entries.

Transferred from RIN 2115-AE19

**Agency Contact:** Allen R. Thuring, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804  
Phone: 202 493-6801

**RIN:** 1625-AA06

#### 1215. REGATTA AND MARINE PARADE REGULATIONS

**Priority:** Routine and Frequent

**Legal Authority:** 33 USC 1233

**CFR Citation:** 33 CFR 100

**Legal Deadline:** None

**Abstract:** These routine and frequent special local regulations ensure the safety of participants and spectators during regattas and marine parades. The regulations or rules specify such controls as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term in nature, usually applying to a single event not exceeding eight hours in duration, and usually encompass only a small portion of a navigable waterway. These rules are promulgated by District Commanders in response to a request from an event-sponsoring organization. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from May 1, 2004, to April 30, 2005, are 40.



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## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
Action Will Continue Through	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AE46

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0979**RIN:** 1625-AA08**1216. DRAWBRIDGE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 499**CFR Citation:** 33 CFR 117**Legal Deadline:** None**Abstract:** These routine and frequent regulations establish operating schedules and notice requirements for drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from May 1, 2004, to April 30, 2005, are 150.**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AE47

**Agency Contact:** Alesia Steinberger, Project Manager, G-OPT-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6215**RIN:** 1625-AA09**1217. ESCORT VESSELS IN CERTAIN U.S. WATERS (CGD 91-202A)****Priority:** Other Significant**Legal Authority:** PL 101-380, sec 4116(c) (codified as 46 USC 373 note)**CFR Citation:** 33 CFR 168**Legal Deadline:** None**Abstract:** This rule would designate those U.S. waters, other than Prince William Sound and Puget Sound, where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. This project supports the Coast Guard's Marine Safety, Security and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. It is significant because of substantial public and State government interest.**Timetable:**

Action	Date	FR Cite
ANPRM	04/27/93	58 FR 25766

Comment Period End 06/28/93

Request for Comments 12/21/94 59 FR 65741

Comment Period End 02/13/95

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** We are in the process of deciding how to respond to the comments we have received. This rulemaking is a companion to RIN 1625-AA05, which concerns Prince William Sound and Puget Sound.

Transferred from RIN 2115-AE56

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-0173

**Related RIN:** Related to 2115-AE10**RIN:** 1625-AA10**1218. REGULATED NAVIGATION AREAS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1231; 33 USC 1221; 33 USC 1223**CFR Citation:** 33 CFR 165**Legal Deadline:** None**Abstract:** These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance exists. Regulated navigation areas are limited areas in which the Coast Guard specifies operational or vessel restrictions such as vessel entry, movement or departure, and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety or local maritime safety officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of waterways management, marine safety, and maritime mobility. The total actions expected from May 1, 2004, to April 30, 2005, are 35.**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	04/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AE84

**Agency Contact:** Ed LaRue, Project Manager, G-MWV, Department of Homeland Security, U.S. Coast Guard,

## DHS—USCG

## Long-Term Actions

2100 Second Street SW., Washington, DC 20593

Phone: 202 267-0416

Email: elarue@comdt.uscg.mil

RIN: 1625-AA11

**1219. MARINE  
TRANSPORTATION-RELATED  
FACILITY RESPONSE PLANS FOR  
HAZARDOUS SUBSTANCES  
(USCG-1999-5705)**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1321(j); PL 101-380

**CFR Citation:** 33 CFR 154

**Legal Deadline:** None

**Abstract:** This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. A separate rulemaking, under RIN 1625-AA13, was developed in tandem with this rulemaking and addresses hazardous substances response plan requirements for tank vessels. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the consequence of pollution incidents. This action is considered significant because of substantial public and industry interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/03/96	61 FR 20084
Notice of Public Hearings	07/03/96	61 FR 34775
ANPRM Comment Period End	09/03/96	
NPRM	03/31/00	65 FR 17416
NPRM Comment Period End	06/29/00	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 94-048. Public hearings

regarding this rulemaking were held in Washington, DC on July 30, 1996; Houston, TX on August 5, 1996; and Houston, TX on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in New Orleans, LA on May 10 and 11, 2000.

Transferred from RIN 2115-AE87

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** LT Paul Lattanzi, Project Manager, G-MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593  
Phone: 202 267-1983

RIN: 1625-AA12

**1220. TANK VESSEL RESPONSE  
PLANS FOR HAZARDOUS  
SUBSTANCES (USCG-1998-4354)**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1231; 33 USC 1321(j); PL 101-380

**CFR Citation:** 33 CFR 155

**Legal Deadline:** None

**Abstract:** This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a tank vessel carrying bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to vessels operating on the navigable waters or within the Exclusive Economic Zone (EEZ) of the United States that carry bulk hazardous substances. A separate rulemaking, under RIN 1625-AA12, would address hazardous substances response plan requirements for marine transportation-related facilities. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the amount of chemicals entering the environment, as well as reducing the consequences of pollution incidents. This project is considered significant because of substantial public and industry interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/03/96	61 FR 20084
Notice of Public Hearings	07/03/96	61 FR 34775
ANPRM Comment Period End	09/03/96	

Action	Date	FR Cite
NPRM	03/22/99	64 FR 13734
Notice of Public Hearing	06/15/99	64 FR 31994
NPRM Comment Period Extended	06/15/99	
NPRM Comment Period End	06/21/99	
NPRM Extended Comment Period End	08/30/99	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 94-032.

Public meetings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in Houston, TX on August 12 and 13, 1999.

Transferred from RIN 2115-AE88

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** LT Paul Lattanzi, Project Manager, G-MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593  
Phone: 202 267-1983

RIN: 1625-AA13

**1221. NUMBERING OF  
UNDOCUMENTED BARGES  
(USCG-1998-3798)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 12301

**CFR Citation:** 33 CFR 189

**Legal Deadline:** None

**Abstract:** Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This

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rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Request for Comments	10/18/94	59 FR 52646
Comment Period End	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End	04/11/01	
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 93-091. In the 2002 spring agenda, we announced that we would be withdrawing this rulemaking but we are currently reevaluating that decision. We are in the process of deciding how to respond to the comments we have received.

Transferred from RIN 2115-AF13

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419  
Phone: 304 271-2506

**RIN:** 1625-AA14

## 1222. OUTER CONTINENTAL SHELF ACTIVITIES (USCG-1998-3868)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356

**CFR Citation:** 33 CFR 140 to 147

**Legal Deadline:** None

**Abstract:** This project would revise the regulations on Outer Continental Shelf (OCS) activities to: add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; and allow all mobile inland

drilling units to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities. This project would affect the owners and operators of facilities and vessels engaged in offshore activities associated with the exploration for, development of, or production of the resources of the OCS. The preliminary estimate of costs imposed by these amendments varies according to the unit. The Coast Guard is consulting with the Minerals Management Service, part of the Department of the Interior. It supports the Coast Guard's strategic goal of marine safety and environmental protection.

**Timetable:**

Action	Date	FR Cite
Request for Comments	06/27/95	60 FR 33185
Comment Period End	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended	03/16/00	65 FR 14226
NPRM Comment Period Extended	06/30/00	65 FR 40559
NPRM Comment Period End	11/30/00	
Final Rule	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The notice of request for comments published June 27, 1995, was assigned Coast Guard docket number 95-016. Following the request for comments, that docket was terminated. This project continues under Docket No. USCG-1998-3868 and RIN 1625-AA18.

Transferred from RIN 2115-AF39

**URL For More Information:** dms.dot.gov

**URL For Public Comments:** dms.dot.gov

**Agency Contact:** James Magill, Project Manager, G-MSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1082

**RIN:** 1625-AA18

## 1223. SALVAGE AND MARINE FIREFIGHTING REQUIREMENTS; VESSEL RESPONSE PLANS FOR OIL (USCG-1998-3417)

**Priority:** Economically Significant. Major under 5 USC 801.

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

**Legal Authority:** 33 USC 1321

**CFR Citation:** 33 CFR 155

**Legal Deadline:** None

**Abstract:** Current vessel response plan regulations require that the owners or operators of vessels carrying groups I through V petroleum oil as a primary cargo identify in their response plans a salvage company with expertise and equipment, and a company with firefighting capability that can be deployed to a port nearest to the vessel's operating area within 24 hours of notification (groups I-IV) or a discovery of a discharge (group V). Numerous requests for clarification revealed widespread misunderstanding and confusion regarding the regulatory language, which will make the implementation of this requirement difficult. Based on comments received after the Vessel Response Plan final rule publication (61 FR 1052; January 12, 1996) and during a Coast Guard hosted workshop, the Coast Guard intends to better define the terms "salvage expertise and equipment" and "vessel firefighting capability" requirements and will reconsider the 24-hour deployment requirement which was scheduled to go into effect on February 18, 1998. Therefore, the Coast Guard suspended the effective dates of the 24-hour deployment requirements as published in the final rule. The Coast Guard will continue with this project to better define the requirements. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of the natural resources. This rulemaking is also significant because it concerns a matter of substantial public interest or controversy.

**Timetable:**

Action	Date	FR Cite
Final Rule - Partial Suspension	02/12/98	63 FR 7069
Final Rule - Partial Suspension	01/17/01	66 FR 3876
NPRM	05/10/02	67 FR 31868

## DHS—USCG

## Long-Term Actions

Action	Date	FR Cite
Public Meeting 7/9/02, 7/17/02, 7/25/02	06/12/02	67 FR 40254
Public Meeting 9/26/02	08/07/02	67 FR 51159
NPRM Comment Period Extended	08/07/02	
NPRM Comment Period End	10/18/02	
Final Rule – Partial Suspension	01/23/04	69 FR 3236
Next Action Undetermined		

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Partial suspension of regulations created through the Vessel Response Plan final rule, Docket No. 91-034, RIN 2115-AD81. The project was originally titled "Salvage and Firefighting Equipment; Vessel Response Plans." The change was made in order to distinguish this project from other similarly titled projects within the Coast Guard.

Transferred from RIN 2115-AF60

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

**Agency Contact:** LT Reed Kohberger, Project Manager, G-MOR-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0448

**RIN:** 1625-AA19

#### 1224. COMMERCIAL DIVING OPERATIONS (USCG-1998-3786)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1509; 43 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 6101

**CFR Citation:** 46 CFR 197

**Legal Deadline:** None

**Abstract:** This project involves reviewing and updating the commercial diving regulations, which were first adopted in 1977. A review of the commercial diving regulations is needed to determine what parts should be updated or changed based on the current standards of safety, technology, and industry practices and to evaluate and minimize any significant economic impact of the rules upon small entities.

The project supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce deaths and injuries on U.S. commercial vessels and the Coast Guard's strategic goal of maritime safety.

#### Timetable:

Action	Date	FR Cite
ANPRM	06/26/98	63 FR 34840
ANPRM Comment Period Extended	09/23/98	63 FR 50848
ANPRM Comment Period End	11/09/98	
Next Action Undetermined		

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AF64

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

**Agency Contact:** Mark Prescott, Project Manager, G-MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0225

**RIN:** 1625-AA21

#### 1225. IMPROVEMENTS TO MARITIME SAFETY IN PUGET SOUND-AREA WATERS (USCG-1998-4501)

**Priority:** Other Significant

**Legal Authority:** 33 USC 1223 to 1224

**CFR Citation:** 33 CFR Ch. 1

**Legal Deadline:** None

**Abstract:** This rulemaking would promulgate measures to improve maritime safety in Puget Sound-Area waters including Puget Sound, the Strait of Juan de Fuca, passages around and through the San Juan Islands, and the Olympic Coast National Marine Sanctuary. Based on a determination by the Secretary of Transportation regarding the status of maritime safety in the Puget Sound area, the Coast Guard has initiated a comprehensive cost-benefit analysis to study the feasibility of implementing new safety measures, including extended tug escort requirements and a dedicated response vessel. Public input will help focus this cost-benefit analysis and

develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protection of natural resources. This is a significant action due to substantial public interest.

#### Timetable:

Action	Date	FR Cite
ANPRM	11/24/98	63 FR 64937
ANPRM Comment Period End	05/24/99	
Next Action Undetermined		

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2115-AF68

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-0173

**RIN:** 1625-AA22

#### 1226. CARGO SECURING ON VESSELS OPERATING IN U.S. WATERS (USCG-2000-7080)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 3306

**CFR Citation:** 33 CFR 97

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the cargo stowage and securing rules for U.S. vessels operating in U.S. waters. In addition, it would amend rules to require cargo-securing manuals for U.S. or foreign vessels of 500 gross tons or more on international voyages. Its goal is to reduce hazardous material cargo losses from vessels in U.S. waters. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

## DHS—USCG

## Long-Term Actions

## Timetable:

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75201
NPRM Comment Period End	03/01/01	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** This rulemaking is being returned to a long-term schedule. In the 2002 spring agenda, we announced that we would be withdrawing this rulemaking but we are currently reevaluating that decision.

Transferred from RIN 2115-AF97

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Robert Spears, Project Manager, G-MSR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1099

RIN: 1625-AA25

# 1227. VESSEL AND FACILITY RESPONSE PLANS FOR OIL: 2003 REMOVAL EQUIPMENT REQUIREMENTS AND ALTERNATIVE TECHNOLOGY REVISIONS (USCG-2001-8661)

**Priority:** Other Significant**Legal Authority:** 33 USC 1321**CFR Citation:** 33 CFR 153; 33 CFR 154; 33 CFR 155**Legal Deadline:** None

**Abstract:** This rulemaking will propose changes to the Vessel Response Plans and Marine Transportation Facility Response Plans, and revise the language in the Code of Federal Regulations concerning methods and procedures for removing oil from coastal waters. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

## Timetable:

Action	Date	FR Cite
NPRM	10/11/02	67 FR 63331
NPRM Comment Period Extended	11/19/02	67 FR 69697
NPRM Comment Period End	01/09/03	

Action	Date	FR Cite
Extended NPRM Comment Period End	04/08/03	
Final Rule	07/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG05

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** Robert Pond, Project Manager, G-MOR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6603

RIN: 1625-AA26

# 1228. ELECTRONIC CHART DISPLAY AND INFORMATION SYSTEM (ECDIS) (USCG-2001-8826)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223; 33 USC 1231; 46 USC 2103; 46 USC 3703; 46 USC 6101; 46 USC 8502**CFR Citation:** 33 CFR 164**Legal Deadline:** None

**Abstract:** This rule would allow commercial vessels the option of using an IMO-approved Electronic Charting Display and Information System (ECDIS) as a primary means of navigation in U.S. waters instead of paper charts. Compliance with this rule would be optional; any vessel choosing not to use such an ECDIS must continue to navigate using corrected and updated printed charts and publications. This rule supports the Coast Guard's strategic goal of maritime safety.

## Timetable:

Action	Date	FR Cite
ANPRM	05/02/01	66 FR 21899
ANPRM Comment Period End	07/02/01	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** This rulemaking has been shifted onto a long-term schedule. In the 2002 spring agenda, we announced that we would be withdrawing this rulemaking. We are still reevaluating that decision.

Transferred from RIN 2115-AG09

**URL For More Information:**  
dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov

**Agency Contact:** LCDR James Rocco, Project Manager, G-MWV-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-0550

RIN: 1625-AA29

# 1229. FEDERAL REQUIREMENTS FOR PROPELLER INJURY AVOIDANCE MEASURES (USCG 2001-10163)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175**Legal Deadline:** None

**Abstract:** This rule would establish Federal requirements for nonplaning recreational houseboats equipped with propeller driven propulsion located aft of the transom. This rule would require owners of these nonplaning recreational houseboats to install either one or two propulsion unit measures (a propeller guard or a jet pump drive) or employ three combined measures (use of an ignition cut-off switch, where installed, and install a swim ladder interlock device and an aft-visibility device). Owners of rental houseboats would have to also install an ignition cut-off switch, if not already installed. These requirements would reduce the number of boaters who are seriously or fatally injured when struck by the propeller of a nonplaning recreational houseboat. This rulemaking would implement recommendations made by the National Boating Safety Advisory Council. It supports the Coast Guard's strategic goal of marine safety.

## Timetable:

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63645
NPRM Comment Period End	03/11/02	
NPRM Comment Period Extended	03/26/02	67 FR 13738

## DHS—USCG

## Long-Term Actions

Action	Date	FR Cite
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NPRM Comment Period End	05/11/02	
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Final Rule	To Be Determined	
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**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG18**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0979**RIN:** 1625-AA31**1230. STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG-2001-10486)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 4711**CFR Citation:** 33 CFR 151**Legal Deadline:** None**Abstract:** This rulemaking would add a performance standard to 33 CFR part 151, subpart D, for all ballast water treatment methods being used as alternatives to midocean ballast water exchange. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources. This project is significant due to high interest among several Federal and State agencies.**Timetable:**

Action	Date	FR Cite
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ANPRM	03/04/02	67 FR 9632
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ANPRM Comment Period End	06/03/02	
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NPRM	12/00/05	
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**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG21**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dr. Richard Everett, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Operating & Environmental Standards (G-MSO), 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-2243**RIN:** 1625-AA32**1231. ALTERNATE TONNAGE CONVENTION: SMALL PASSENGER VESSELS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 14 USC 14104**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** This rulemaking would amend small passenger vessel regulations retaining the tonnage thresholds based on measurement under 46 U.S.C. 14502, but adding alternate tonnage thresholds based on measurement under 46 U.S.C. 14302. We expect this rulemaking to support the Coast Guard's strategic goals of maritime mobility of commercial vessel traffic and maritime safety. However, we are reviewing our regulatory resource allocation and management strategies to optimize our overall regulatory mission effectiveness. Accordingly, we have decided to continue this item on the agenda, while we consider and balance our statutory obligations and discretionary authority.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** Transferred from RIN 2115-AG29**Agency Contact:** Peter D. Eareckson, Project Manager, Marine Safety Center, Department of Homeland Security, U.S. Coast Guard, 400 7th Street SW., Washington, DC 20590-0001  
Phone: 202 366-6502**RIN:** 1625-AA37**1232. NOTIFICATIONS OF ARRIVAL AND DEPARTURE IN PORTS OR PLACES IN THE UNITED STATES (USCG-2001-11865)****Priority:** Other Significant**Legal Authority:** 33 USC 1223(a)(5); 33 USC 1226; 33 USC 1231**CFR Citation:** 33 CFR 160**Legal Deadline:** None**Abstract:** The Coast Guard needs to permanently amend its regulations relating to the Notifications of Arrival (NOA) and Departure (NOD) requirements in 33 CFR part 160 to ensure port safety, security, and environmental protection as well as maintain the uninterrupted flow of commerce. Subsequent to the terrorist attacks of September 2001, we published an emergency temporary final rule (96-hour rule) amending the NOA and NOD requirements for commercial vessels bound for or departing from ports or places in the United States. The temporary final rule terminated on March 31, 2003. In this final rule, most of the changes introduced by the temporary final rule have been made permanent. This rulemaking supports the Coast Guard's strategic goals of maritime safety, maritime security, protection of natural resources, and maritime mobility.**Timetable:**

Action	Date	FR Cite
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NPRM	06/19/02	67 FR 41659
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NPRM Comment Period End	08/19/02	
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Final Rule	02/28/03	68 FR 9537
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Final Rule Effective	04/01/03	
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Final Rule Partial Suspension	05/22/03	68 FR 27907
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Final Rule Correction	11/10/03	68 FR 63735
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Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG35**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** LTJG Kimberly Andersen, Project Manager, G-MPP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

## DHS—USCG

## Long-Term Actions

Phone: 202 267-2562

RIN: 1625-AA41

**1233. PROTECTION FOR WHISTLEBLOWERS IN THE COAST GUARD (USCG-2002-13016)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 1034**CFR Citation:** 33 CFR 53**Legal Deadline:** None

**Abstract:** This rulemaking would amend 33 CFR part 53 both by extending coverage to uniformed members of the Coast Guard who make "protected" communications either to an organization within the Department within which the Coast Guard is operating concerned with audit, inspection, or law enforcement, or to any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations to receive such communications, and by extending the nature of protected communications to comprise complaints: (a) of violations of statute or regulation prohibiting sexual harassment; (b) of unlawful discrimination; and (c) of gross mismanagement. This project supports the Coast Guard's five strategic goals of maritime safety and security, protection of natural resources, maritime mobility, and national defense.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG49

**Agency Contact:** LT Jason Krajewski, Project Manager, G-LGL, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-0064

RIN: 1625-AA50

**1234. VESSEL TRAFFIC SERVICE LOWER MISSISSIPPI RIVER (USCG-1998-4399)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223(a)**CFR Citation:** 33 CFR 26; 33 CFR 161; 33 CFR 165**Legal Deadline:** None

**Abstract:** This project proposes to establish a new Vessel Traffic Service (VTS) area in the Lower Mississippi River region. This Vessel Traffic Service Area (VTSA) will span from 20 miles north of Baton Rouge (mile 255 Above Head of Passes (AHP)) out to sea, including the South and Southwest Pass. As part of the VTSA, a VTS Special Area will be designated between mile 93.5 and 95 AHP. Unlike traditional VTSs, which are based on radar and video surveillance and rely on voice communications by VHF-FM radio, when fully operational VTS Lower Mississippi River will use Automatic Identification System transponder technology to perform the majority of both surveillance and information exchange. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	04/26/00	65 FR 24616
NPRM Comment Period End	07/25/00	
NPRM Comment Period Reopened	08/18/00	65 FR 50479
NPRM Comment Period End	12/01/00	
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** This project was originally entitled "Vessel Traffic Service Lower Mississippi/Automatic Identification System Carriage Requirement." The VTS LMR will retain RIN 1625-AA58. The AIS carriage requirement will be developed in a separate rulemaking (see USCG-2003-14757, RIN 1625-AA67).

Transferred from RIN 2115-AF75

**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Jorge Arroyo, Project Manager, G-MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6277

RIN: 1625-AA58

**1235. ESCORT VESSELS FOR CERTAIN TANKERS—CRASH STOP CRITERIA (USCG-2003-14734)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 101-380, sec 4116(c) (codified as 46 USC 3703 note)**CFR Citation:** 33 CFR 168**Legal Deadline:** None

**Abstract:** This rulemaking would remove the suspension of 33 CFR 168.50 (b)(2) made in 1994 by related rulemaking RIN 1625-AA05, and would finalize that provision's status either by allowing it to take effect, by amending it, or by removing it. This project would support the Coast Guard's strategic goals of maritime safety and maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Additional Information:** This project is related to RIN 1625-AA05 (Escort Vessels for Certain Tankers, CGD91-202). RIN 1625-AA05 promulgated 33 CFR part 168, but suspended one provision, 33 CFR 168.50(b)(2), before it ever took effect. Suspension is not a final action. Final action in RIN 1625-AA05 took place before the Coast Guard's participation in the Department of Transportation's Docket Management System (DMS). DMS is an electronic docketing system that provides the public with computerized access to Coast Guard rulemaking documents, but it does not support older Coast Guard docket numbers like CGD91-202 (the Coast Guard docket number equivalent for RIN 1625-AA05). Consequently, the rulemaking docket for RIN 1625-AA05 is available only in paper form and must be viewed at Coast Guard Headquarters (contact the Office of Regulations and Administrative Law, G-LRA, at 202-267-1534). In order to finalize RIN 1625-AA05 in a way that is accessible to the public through DMS, the Coast Guard decided to open this rulemaking, RIN 1625-AA65, under a DMS-compatible Coast Guard docket number, USCG-2003-14734. All publications under RIN 1625-AA65 will appear electronically in the DMS docket. In addition, for ease of reference, we will scan relevant paper documents from

## DHS—USCG

## Long-Term Actions

RIN 1625-AA05 into the electronic DMS docket for RIN 1625-AA65, as supplemental materials.

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-0173

**Related RIN:** Related to 1625-AA05, Related to 1625-AA10

**RIN:** 1625-AA65

### 1236. • SECURITY ZONE REGULATIONS

**Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 33 USC 1226; 33 USC 1231; 50 USC 191; 33 CFR 6

**CFR Citation:** 33 CFR 165

**Legal Deadline:** None

**Abstract:** The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the security of vessels, waterfront facilities, or individuals. Many of these zones are of short duration, a few hours to a few days, and all are geographically limited in area. Security zones are established for Presidential or Vice Presidential visits, high profile events such as the Olympics, controversial events such as transport of spent nuclear fuel, and in response to the threat of terrorist attacks. Some security zones are implemented only at heightened security levels and only for the duration of the heightened alert. Security zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine security, mobility, protection of natural resources, and national defense. The

total actions expected from May 1, 2004, to April 30, 2005, are 200.

#### Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Routine and frequent rulemakings issued under this RIN will each have an individual docket number.

**Agency Contact:** CDR Cynthia Stowe, Project Manager (G-MPS-2), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-4150  
Email: cstowe@comdt.uscg.mil

**RIN:** 1625-AA87

## Department of Homeland Security (DHS) U.S. Coast Guard (USCG)

## Completed Actions

### 1237. HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES (USCG-1998-4302)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1231

**CFR Citation:** 33 CFR 126

**Legal Deadline:** None

**Abstract:** This rulemaking was intended to revise existing regulations covering waterfront facilities that handle dangerous cargoes. The present regulations are outdated and do not reflect improved safety procedures and modern transportation methods, such as the use of containers. Where appropriate, the regulations incorporate industry standards regarding the handling of hazardous materials at waterfront facilities. This project supports the Vice Commandant's workload reduction initiative and also supports the Coast Guard's strategic goal of maritime safety by reducing deaths and injuries in the maritime industry.

#### Timetable:

Action	Date	FR Cite
ANPRM	01/13/93	58 FR 4127

Action	Date	FR Cite
ANPRM Comment Period End	04/13/93	
NPRM	10/29/98	63 FR 57964
NPRM Comment Period End	12/28/98	
NPRM Comment Period Reopened	01/12/99	64 FR 1770
NPRM Comment Period End	03/01/99	
Final Rule	09/26/03	68 FR 55436
Final Rule Effective (Except for section 126.15(a)(3))	10/27/03	
Final Rule for section 126.15(a)(3)	01/29/04	69 FR 4240
Final Rule Effective	04/01/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** An independent study has been completed and incorporated with comments from the public in the preparation of the rulemaking. Old Docket Number CGD 92-026.

The notice of proposed rulemaking was published under the more precisely descriptive title of Handling of Class I (Explosive) Materials or Other

Dangerous Cargoes Within or Contiguous to Waterfront Facilities. Transferred from RIN 2115-AE22

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mark Prescott, Project Manager, G-MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0225

**RIN:** 1625-AA07

### 1238. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE (USCG-2001-8825)

**Priority:** Other Significant

**Legal Authority:** 46 USC 12106; 46 USC 12120; 46 USC 12122

**CFR Citation:** 46 CFR 67

**Legal Deadline:** None

**Abstract:** This rulemaking will amend the regulations on the documentation of vessels engaged in the coastwise trade. It is a spin-off of Vessel Documentation (USCG 1998-4784).



## DHS—USCG

## Completed Actions

These proposals address statutory amendments eliminating certain barriers to seeking foreign financing by lease for U.S. flag vessels. These proposals would clarify the information needed to determine the eligibility of a vessel financed in this manner for a coastwise endorsement. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	05/02/01	66 FR 21902
NPRM Comment Period Extended to 09/04/2001	05/29/01	66 FR 34603
NPRM Comment Period End	07/02/01	
NPRM Comment Period Reopened	12/14/01	66 FR 64784
Reopened Comment Period End	01/28/02	
Supplemental NPRM	08/09/02	67 FR 51804
Second NPRM	10/08/02	
Comment Period End		
Final Rule	02/04/04	69 FR 5390
Final Rule Effective	02/04/04	
Correction to Final Rule	03/04/04	69 FR 10174

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG08**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419  
Phone: 304 271-2506

**Related RIN:** Related to 1625-AA63**RIN:** 1625-AA28

### 1239. UPDATE OF RULES ON AIDS TO NAVIGATION AFFECTING BUOYS, SOUND SIGNALS, INTERNATIONAL RULES AT SEA, COMMUNICATIONS PROCEDURES, AND LARGE NAVIGATIONAL BUOYS (USCG-2001-10714)

**Priority:** Info./Admin./Other**Legal Authority:** 14 USC 81; 33 USC 1231; 43 USC 1333; 46 USC 4302**CFR Citation:** 33 CFR 60-76**Legal Deadline:** None

**Abstract:** This rulemaking would revise 33 CFR subchapter C—Aids to Navigation, parts 60 through 76. In these parts, it would update technical information concerning buoys, sound signals, international rules at sea, communications procedures, and large navigational buoys. It would also revise these parts using plain language. The proposed changes would update the existing rules both to reflect current practices and to make them easier to understand. This rulemaking supports the Coast Guard's strategic goals of maritime safety and mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	05/14/03	68 FR 25855
NPRM Comment Period End	08/12/03	
Final Rule	05/05/04	69 FR 24979
Correction	06/01/04	69 FR 30826
Final Rule Effective	06/04/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG25**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** Daniel Andrusiak, Project Manager, G-OPN-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0327

**RIN:** 1625-AA34

### 1240. IDENTIFICATION CREDENTIALS FOR MARITIME SECURITY

**Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined**Legal Authority:** 46 USC 2103**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to update standards and procedures for identifying people aboard vessels, and at ports and facilities on waterfronts.

These standards and procedures might include checks of backgrounds for people in security-sensitive positions, but would take account of (and as far as possible be compatible with) efforts to the same effect from international bodies, other Federal agencies, and States.

The purpose of the project would be to deter terrorism. The project would support the Coast Guard's strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:**

Action	Date	FR Cite
Withdrawn	04/23/04	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined

**Additional Information:** Various international and inter-agency policy developments are underway. Until such time as these policy developments are mature, we are withdrawing this item from the agenda, and may reintroduce it at a later date.

Related docket: Maritime Security Notice, USCG-2002-14069 (67 FR 79742, December 30, 2002).

Transferred from RIN 2115-AG42

**Agency Contact:** Gerald P. Miente, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0221

**RIN:** 1625-AA47

### 1241. ALLOWING ALTERNATIVES TO INCANDESCENT LIGHTS, AND ESTABLISHING STANDARDS FOR NEW LIGHTS, IN PRIVATE AIDS TO NAVIGATION (USCG-2000-7466)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 83; 14 USC 85; 43 USC 1333**CFR Citation:** 33 CFR 66**Legal Deadline:** None

**Abstract:** The Coast Guard is seeking to let the lighting industry and owners of private aids to navigation take advantage of a recent improvement in technology—one that enables the use of lanterns based on Light-Emitting Diodes

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(LEDs), which would reduce the consumption of power and simplify the maintenance of the aids. The use of these lanterns should stimulate competition in the industry, reduce maintenance, and therefore operating costs, and allow the marking of the aids in a desirable manner. This rule supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	10/04/00	65 FR 59124
Direct Final Rule Withdrawn	01/02/01	66 FR 8
NPRM	06/24/02	67 FR 42512
NPRM Comment Period End	08/23/02	
Final Action	12/08/03	68 FR 68235
Final Rule Effective	03/08/04	
Correction to Final Rule	03/17/04	69 FR 12541

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The Coast Guard withdrew the direct final rule because it received an adverse comment. The Coast Guard published a notice of proposed rulemaking to solicit additional comments from the public.

Transferred from RIN 2115-AF98

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Daniel Andrusiak, Project Manager, G-OPN-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0327

**RIN:** 1625-AA55

#### 1242. APPROVAL FOR EXPERIMENTAL SHIPBOARD INSTALLATIONS OF BALLAST WATER TREATMENT SYSTEMS (USCG-2001-9267)

**Priority:** Other Significant

**Legal Authority:** 16 USC 4711

**CFR Citation:** 33 CFR 151, subpart C; 33 CFR 151, subpart D

**Legal Deadline:** None

**Abstract:** This rulemaking would establish a program through which vessel owners could apply for advance, conditional approval of experimental ballast water treatment systems installed and tested onboard their operating vessels. This interim rule would facilitate the development of effective ballast water treatment technology that could serve as an alternative to ballast water exchange, and ensure that U.S. regulations accomplish the intent of Congress to prevent and control the introduction of unwanted aquatic nuisance species as stated in the National Invasive Species Act of 1996.

**Timetable:**

Action	Date	FR Cite
Request for Comments	05/22/01	66 FR 28213
Notice of Withdrawal	01/07/04	69 FR 1078

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The Coast Guard withdrew its proposal to proceed with an interim rule establishing a program through which vessel owners can apply for approval of experimental ballast water treatment (BWT) systems installed and tested on board their operating vessels. Instead of a rulemaking, the Coast Guard proceeded with establishing this voluntary experimental approval program using a Coast Guard Circular. Details of the program are published in Coast Guard Navigation and Vessel Inspection Circular (NVIC) 01-04.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dr. Richard Everett, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Operating & Environmental Standards (G-MSO), 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-2243

**RIN:** 1625-AA66

#### 1243. CIVIL MONETARY PENALTIES—ADJUSTMENTS FOR INFLATION (USCG-2003-15486)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 28 USC 2461 note

**CFR Citation:** 33 CFR 27.3

**Legal Deadline:** None

**Abstract:** To comply with the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, this rulemaking would adjust for inflation the Coast Guard's civil monetary penalties. This project supports the Coast Guard's strategic goals of maritime safety, maritime security, and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/23/03	68 FR 74189

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert Spears, Project Manager, G-MSR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1099

**RIN:** 1625-AA73

#### 1244. SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO (CDG08-03-028)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 14 USC 85, 43 USC 1333

**CFR Citation:** 33 CFR 147.831

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes the establishment of a safety zone around a petroleum and gas production facility in Green Canyon 645 of the Outer Continental Shelf in the Gulf of Mexico while the facility is being

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constructed and after the construction is completed. The construction site and facility need to be protected from vessels operating outside the normal shipping channels and fairways, and placing a safety zone around this area would significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed rule would prohibit all vessels from entering or remaining in the specified area around the facility's location except for the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55557
NPRM Comment Period End	11/25/03	
Final Rule	02/10/04	69 FR 6146
Final Rule Effective	03/11/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** LT Kevin Lynn, Commander Eighth District, Department of Homeland Security, U.S. Coast Guard, 501 Magazine Street, New Orleans, LA 70130  
Phone: 504 589-6271

**RIN:** 1625-AA76

#### 1245. • SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO FOR MISSISSIPPI CANYON 474 (CGD08-03-039)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 14 USC 85; 43 USC 1333

**CFR Citation:** 33 CFR 147

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish a safety zone around a petroleum and gas production facility

located in Mississippi Canyon 474 "A" of the Outer Continental Shelf in the Gulf of Mexico. The facility needs to be protected from vessels operating outside normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the facility's location except for the following: an attending vessel; a vessel under 100 feet in length not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property, and the environment, and supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	01/20/04	69 FR 2694
NPRM Comment Period End	03/22/04	
Final Rule	04/20/04	69 FR 21065
Final Rule Effective	05/20/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** LT Kevin Lynn, Project Manager (mwm), Department of Homeland Security, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Buildings, 500 Poydras Street, New Orleans, LA 70130  
Phone: 504 589-6217  
Email: klynn@d8.uscg.mil  
**RIN:** 1625-AA78

#### 1246. • SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO FOR GARDEN BANKS 783 (CGD08-03-040)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 14 USC 85; 43 USC 1333

**CFR Citation:** 33 CFR 147.835

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish a safety zone around a petroleum and gas production facility located in Garden Banks 783 "A" of the Outer Continental Shelf in the Gulf of Mexico. The facility needs to be protected from vessels operating outside normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the facility's location except for the following: an attending vessel; a vessel under 100 feet in length not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property, and the environment, and supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	01/20/04	69 FR 2691
NPRM Comment Period End	03/22/04	
Final Rule	04/15/04	69 FR 19933
Final Rule Effective	05/17/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

**Agency Contact:** LT Kevin Lynn, Project Manager (mwm), Department of Homeland Security, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Buildings, 500 Poydras Street, New Orleans, LA 70130  
Phone: 504 589-6217  
Email: klynn@d8.uscg.mil  
**RIN:** 1625-AA79

#### 1247. • CHEMICAL TESTING; MANAGEMENT INFORMATION SYSTEM (USCG-2003-16414)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701

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**CFR Citation:** 46 CFR 16**Legal Deadline:** None

**Abstract:** This regulatory project will conform the Coast Guard's Chemical Testing Management Information System (MIS) reporting requirements with the changes to the DOT Procedures for Transportation Workplace Drug Testing Programs ONEDOT Management Information Systems (MIS) reporting requirements.

**Timetable:**

Action	Date	FR Cite
Final Rule	02/11/04	69 FR 6575
Final Rule Effective	03/12/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**URL For More Information:**

dms.dot.gov

**Agency Contact:** Robert C. Schoening, Project Manager, G-MOA-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Room 2406, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0684  
Email: rschoening@comdt.uscg.mil  
**RIN:** 1625-AA80

## Department of Homeland Security (DHS)

## Proposed Rule Stage

## Bureau of Customs and Border Protection (BCBP)

**1248. DOCUMENTARY REQUIREMENTS FOR RETURNING RESIDENTS****Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257

**CFR Citation:** 8 CFR 211**Legal Deadline:** None

**Abstract:** This rule proposes to amend DHS regulations to specify how an alien admitted for permanent residence, on returning to the United States, may prove that he or she is not to be considered an applicant for admission. This rule is necessary to implement section 101(a)(13)(C) of the Act and to clarify the responsibility for carriers who transport to the United States aliens who claim to be to be returning residents. This rule will ensure that aliens who present themselves as lawful permanent residents are properly documented as such.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1932-98.

Transferred from RIN 1115-AF26

**Agency Contact:** Michael D. Jones, Acting Director, National Fines Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209

Phone: 202 305-7018

**RIN:** 1651-AA09**1249. IMPOSITION OF FINES FOR VIOLATIONS OF THE IMMIGRATION AND NATIONALITY ACT****Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229

**CFR Citation:** 8 CFR 280**Legal Deadline:** None

**Abstract:** This rule proposes to amend Department regulations to reflect the actual process used to recommend and impose fines for violations of the Immigration and Nationality Act (Act). Since the publication of 8 CFR part 280, the Department had centralized the fines process and made some adjustments to certain procedures. The 8 CFR part 280 will be renumbered sequentially and reordered to group related issues in one section. This part will also be expanded to provide for fines imposed under section 231A(d)(2) and 274D of the Act and will introduce procedures for detaining vessels and posting bonds, as well as giving the Commissioner discretion in requiring bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment Period End	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2041-00

Transferred from RIN 1115-AF70

**Agency Contact:** Michael D. Jones, Acting Director, National Fines Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209  
Phone: 202 305-7018

**RIN:** 1651-AA12**1250. ADJUSTMENT OF FEES FOR DEDICATED COMMUTER LANES AND SECURE ELECTRONIC NETWORK FOR TRAVELERS' RAPID INSPECTION (SENTRI) PROGRAMS AT LAND BORDER PORTS OF ENTRY****Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; ...

**CFR Citation:** 8 CFR 103**Legal Deadline:** None

**Abstract:** This rule proposes to adjust the fees for the Land Border Inspection Fee Account (LBIFA) for the Form I-823, Application for Alternative Inspection Services at land border ports of entry and related systems cost fees for participants in the Dedicated Commuter Lane (DCL) program. Form I-823 is used by applicants to the Port Passenger Accelerated Service System (PORTPASS) that includes the DCL program and several other land border programs. The Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Program at certain assigned POEs is part of the overall DCL program.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	